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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KIMBERLY BERNARD, Derivatively on Behalf
Of MARATHON DIGITAL HOLDINGS, INC.
(f/k/a MARATHON PATENT GROUP, INC.),

Plaintiff,

v.

FRED THEIL, GEORGES ANTOUN, KEVIN
DENUCCIO, SARITA JAMES, JAY LEUPP,
SAID OUISSAL, MERRICK D. OKAMOTO,
and SIMEON SLAZMAN,

Defendants,

-and-

MARATHON DIGITAL HOLDINGS, INC. (f/k/a
MARATHON PATENT GROUP, INC.),

Nominal Defendant.

Case No.: 2:22-cv-00305-RFB-VCF

**NOTICE OF RELATED CASES
PURSUANT TO LR 42-1(a)**

Pursuant to Local rule 42-1(a), Plaintiff hereby provides notice of the following related case:
Roy Strassman, Derivatively On Behalf Of Marathon Digital Holdings, Inc. (f/k/a/ Marathon Patent Group, Inc. vs. Fred Theil, Georges Antoun, Kevin Denuccio, Sarita James, Jay Leupp, Said Ouissal, Merrick D. Okamoto, And Simeon Salzman, Case No. 2:21-cv-00724-ART-EJY.

Both actions concern the same alleged general conduct and misconduct of the Board of the Company in permitting the officers of Marathon to allegedly breach their fiduciary duties. The instant Derivative Action concerns allegations against, or derivatively on behalf of, Defendant/

1 Nominal Defendant Marathon Digital Holdings, Inc. (“Marathon”) and directors and/or officers of
 2 Marathon. The complaints in both actions contain allegations stemming from the same events:
 3 Marathon’s announcement in October 2020 that it had entered into a venture with Beowulf Energy
 4 LLC to operate a Bitcoin mining data center in Hardin, Montana. On November 15, 2021, Marathon
 5 disclosed its receipt of a subpoena from the SEC related to its venture with Beowulf. Plaintiff in the
 6 instant action filed her complaint on February 18, 2022, and the complaint in the *Strassman*
 7 Derivative Action, both of which are based on allegations in a related Securities Class Action (*Tad*
 8 *Schlatre v. Marathon Digital Holdings, Inc. f/k/a Marathon Patent Group, Inc., Merrick D.*
 9 *Okamoto, Frederick G. Thiel, and Simeon Salzman*, Case No. 2:21-cv-2209-RFB-NJK), followed on
 10 May 15, 2022. As a result, both actions involve similar questions of fact and law, and assignment to
 11 the same judgment would be desirable.

12 DATED this 23rd day of May 2022.

13 **MATTHEW L. SHARP, LTD.**

14 /s/ Matthew L. Sharp

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21 Gregory M. Egleston
 22 *PHV Application to be filed*
 23 **GAINEY McKENNA & EGLESTON**
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I hereby certify that I am an employee of MATTHEW L. SHARP, LTD., and that on this date, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to:

James J. Pisanelli, Esq.: JJP@pisanellibice.com

Debra L. Spinelli, Esq.: DLS@pisanelliice.com

DATED this 23rd day of May 2022.

/s/ Cristin B. Sharp
An employee of Matthew L. Sharp, Ltd.